

**REMARKS**

At the time of the Office Action dated May 19, 2008, claims 1-17 were pending in this application. In this Amendment, claims 1, 2, 5-9, 15, and 17 have been amended, claims 3, 4, 11, 12, and 16 canceled, and new claims 18-22 added. Care has been exercised to avoid the introduction of new matter. Support for this Amendment can be found in original claims 3 and 4; Figs. 1, 5, 8, and 19-22; and page 46, line 26 to page 62, line 20 of the specification.

Claims 1, 2, 5-10, 13-15, and 17-22 are now active in this application, of which claims 1, 9, and 17 are independent.

**Claim Objections**

Objection has been made to claims 9-17 because of the limitation “SLO.” Applicants have amended claims 9 and 17 in this Amendment to replace the limitation with --service-level-objective--. Withdrawal of the objection to the claims is, therefore, respectfully solicited.

**Claim Rejections—35 U.S.C. §§ 102 and 103**

Claims 1, 2, 8-10, 16, and 17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Aman et al. (U.S. Patent No. 5,603,029, hereinafter “Aman”); and claims 3-7 and 11-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Aman in view of Stone (U.S. Patent No. 6,823,383).

Applicants submit that Aman and Stone, either individually or in combination, do not disclose or suggest a load balancing method including all the limitations now recited in independent claim 1. Specifically, Aman, Stone, and the combination of those references do not teach, among other things, the following imitations recited in claim 1:

registering in advance the business configuration definition that includes judgment information indicating contents of the start process and finish process of each business service with the business configuration management repository;

comparing the judgment information of an already-reserved business service with the judgment information of the designated business service;

selecting one or more information processing modules of said plurality of information processing modules whose performance information stored in the performance management table satisfies the service level objective in each partial schedule; and

reserving the information processing modules selected satisfying the service level objective in the partial schedules as information processing modules for executing the designated business service in the schedule in said storage, and omitting a step in a start process or finish process of the designated business service that coincides with a step of a business service that has already been reserved with the information processing module.

According to the claimed subject matter, load balancing or load distribution among a plurality of information processing modules can be achieved. Thus, the following objective of the present application can be achieved: “[i]t is therefore the object of the present invention to provide a technique by which information processors that have become idle depending on the type of business and the time of day can be assigned to other services of business” (page 4, lines 18-22 of the specification).

Aman teaches a load balancing system assigning new work to a server by referring to policy information 135 shown in Figs. 1 and 11, and determining whether any of systems within the set of ELIGIBLE\_SYSTEMS contains a system that does not have an application server (see Figs. 12A and 12B; and column 30, lines 1-16). Since claim 1 has now the limitations recited at least in original claim 3, it is apparent that Aman does not disclose or suggest all the limitations recited in claim 1 (see paragraph 7 of the Office Action).

Stone also teaches a load balancing system wherein end-user service-level objectives such as availability and performance are measured and reported to a service level objective

(SLO) agent to activate a backup (see the abstract; and column 10, lines 42-44). In Stone, user requests pass through several tiers at a web site, such as a firewall tier, a web-server tier, an application-server tier, and a database-server tier (see Fig. 1). Each tier has several redundant service components that can process requests for that tier. Local agents, operating with any local resource managers, monitor running service components and report to a service agent (see Fig. 2). Node monitors also monitor network-node status and report to the service agent (see Fig. 2). When a node or service component fails, the service agent attempts to restart it using the local agent, or replicates the service component to other nodes. When the SLO agent determines that a service level objective is not being met, it instructs the service agent to replicate more of the constraining service components or increase resources. See the Abstract.

The above description does not teach the claimed limitations, for example, “omitting a step in a start process or finish process of the designated business service that coincides with a step of a business service that has already been reserved with the information processing module.” This limitation was originally recited in claim 3 which has been canceled in this Amendment. In rejecting claim 3, the Examiner cited column 5, lines 5-13; column 6, lines 1-16; and column 8, lines 9-30 of Stone. However, those paragraphs describe how to handle failure of nodes or service components, as described above, not the recited function of omitting a step. Accordingly, Stone cannot cure the deficiencies of Aman.

Based on the foregoing, Aman and Stone, either individually or in combination, do not disclose or suggest a load balancing method including all the limitations recited in independent claim 1. The above discussion is applicable to independent claims 9 and 17. Dependent claims 2, 5-8, 10, and 13-15 are also patentably distinguishable over Aman and Stone at least because these claims respectively include all the limitations recited in independent claims 1 and 9.

Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

**New Claims 18-22**

Applicants believe that new claims 18-22 are patentable over Aman and Stone at least because these claims include all the limitations recited in independent claim 17. Favorable consideration is respectfully solicited.

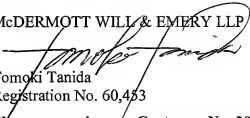
**Conclusion**

In view of the above remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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